



General Assembly

February Session, 2000

Raised Bill No. 5778

LCO No. 2105

Referred to Committee on Human Services

Introduced by:
(HS)

An Act Providing Work Incentives For Persons With Disabilities.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (a) The Department of Social Services shall
2 establish and implement a working persons with disabilities program
3 to provide medical assistance to persons who are disabled, as defined
4 in 42 USC 1382c, and are regularly employed.

5 (b) The Commissioner of Social Services shall amend the Medicaid
6 state plan to allow persons specified in subsection (a) of this section to
7 qualify for medical assistance. The amendment shall include the
8 following requirements: (1) That the person be engaged in a work
9 effort that meets the substantial and reasonable threshold criteria for
10 hours of work or wages and have a gross income of no more than
11 seventy-five thousand dollars per year; (2) a disregard of all countable
12 income up to two hundred per cent of the federal poverty level; (3) a
13 disregard of the first fifteen thousand dollars of assets which would
14 otherwise be counted under the Medicaid program; (4) a disregard of
15 any retirement and medical savings accounts established pursuant to
16 26 USC 220; (5) a disregard of any moneys in accounts designated by
17 the person for the purpose of purchasing goods or services that will

18 increase the employability of such person, subject to approval by the
19 Commissioner of Social Services; (6) a disregard of spousal income
20 solely for purposes of determination of eligibility; and (7) a
21 contribution of any countable income which exceeds two hundred per
22 cent of the federal poverty level equal to ten per cent of the excess
23 minus any premiums paid from income for health insurance by any
24 family member.

25 (c) The Commissioner of Social Services shall implement the policies
26 and procedures necessary to carry out the provisions of this section
27 while in the process of adopting such policies and procedures in
28 regulation form, provided notice of intent to adopt the regulations is
29 published in the Connecticut Law Journal within twenty days after
30 implementation. The commissioner shall define "countable income"
31 for purposes of subsection (b) of this section which shall take into
32 account impairment-related work expenses, as defined in the Social
33 Security Act. Such policies and procedures shall be valid until the time
34 final regulations are effective.

35 Sec. 2. Section 17b-605 of the general statutes is repealed and the
36 following is substituted in lieu thereof:

37 (a) The Commissioner of Social Services shall develop and
38 implement a personal care assistance program for persons with severe
39 physical disabilities who are employed or are likely to become
40 employed within six months. For the purposes of this section, "a
41 person with a severe physical disability" means a person who has a
42 record of a severe physical impairment, either congenital or acquired,
43 which is expected to continue indefinitely and limits one or more
44 major life activities, including self care, and who is able to supervise a
45 personal care assistant; and "personal care assistance" means services
46 necessary for self care which a person is unable to perform, including,
47 but not limited to, assistance with bathing, bowel or bladder care,
48 dressing, personal grooming, moving in and out of bed, preparation
49 and consumption of food, and other services defined by regulations

50 adopted pursuant to subsection (c).

51 (b) Subsidies shall be made, within available appropriations, to
52 persons determined eligible, for the purpose of employing personal
53 care assistants, except that persons eligible for benefits under section 1
54 of this act shall not be eligible for such subsidies unless such persons
55 are currently receiving services under the personal care assistance
56 waiver established by subsection (a) of section 17b-605a, as amended
57 by this act, and the commissioner has not received approval of the
58 amendment to such waiver required under subsection (b) of said
59 section. An eligible person shall receive up to a maximum of fifteen
60 thousand dollars per year.

61 (c) The commissioner shall adopt regulations in accordance with
62 chapter 54 to implement the program. The regulations shall establish
63 financial and other eligibility standards for participation in the
64 program, including family income eligibility standards, and shall
65 establish criteria for funding. Any person needing personal care
66 assistance who is (1) employed at the time of application for personal
67 care assistance or (2) likely to become employed within six months,
68 and demonstrates a need for personal care assistance services, shall be
69 eligible for participation in the program, but an unemployed person
70 described in subdivision (2) of this subsection may not receive
71 personal care assistance for more than six months in a consecutive
72 three-year period.

73 (d) If personal care subsidies cannot be provided to all eligible
74 persons because of insufficient appropriations, the commissioner shall:
75 (1) Promptly notify the Governor, the General Assembly and the Office
76 of Protection and Advocacy for Persons with Disabilities, (2) provide
77 subsidies to employed persons first.

78 (e) The commissioner shall establish a subcommittee of the
79 [Consumer Advisory Council on Disability Services] Connecticut
80 Council for Persons with Disabilities for the personal care assistance
81 program. The majority of the members of the subcommittee shall be

82 persons who use personal care assistance services. The subcommittee
83 shall meet regularly to: (1) Assess the personal care assistance needs of
84 physically disabled persons in the state, including the progress and
85 accomplishments of the personal care assistance program in meeting
86 such needs, (2) advise the commissioner on the operation of the
87 personal care assistance program, and (3) recommend to the
88 commissioner an annual budget request and recommend to the
89 commissioner, the Governor and the General Assembly legislation to
90 improve personal care assistance services to persons with severe
91 physical disabilities.

92 Sec. 3. Section 17b-605a of the general statutes is repealed and the
93 following is substituted in lieu thereof:

94 (a) The Commissioner of Social Services shall seek a waiver from
95 federal law to establish a personal care assistance program for persons
96 ages eighteen through sixty-four with disabilities funded under the
97 Medicaid program. Such a program shall be limited to a specified
98 number of slots available for eligible program recipients and shall be
99 operated by the Department of Social Services within available
100 appropriations. Such a waiver shall be submitted to the joint standing
101 committees [with] of the General Assembly having cognizance of
102 matters relating to appropriations and the budgets of state agencies
103 and human services in accordance with section 17b-8 no later than
104 January 1, 1996.

105 (b) The Commissioner of Social Services shall amend the waiver
106 specified in subsection (a) of this section to enable persons eligible for
107 or receiving medical assistance under section 1 of this act to receive
108 personal care assistance. Such amendment shall be submitted to the
109 joint standing committees of the General Assembly having cognizance
110 of matters relating to appropriations and the budgets of state agencies
111 and human services in accordance with section 17b-8 not later than
112 October 1, 2000.

113 Sec. 4. (NEW) The Commissioner of Social Services shall seek a

114 waiver from federal law to permit a person participating in the
115 program established under section 1 of this act to remain eligible for
116 medical assistance under the Medicaid program in the event such
117 person is unable to maintain a work effort for involuntary reasons. No
118 such person shall be required to make another application to
119 determine continued eligibility for medical assistance under the
120 Medicaid program. In order to remain eligible for such medical
121 assistance, such person shall request that such assistance be continued
122 not later than twelve months after failure to maintain a work effort and
123 shall meet the eligibility criteria for the Medicaid program, except that
124 the commissioner shall disregard any assets specified in subdivisions
125 (4) and (5) of subsection (b) of section 1 of this act.

126 Sec. 5. (NEW) The Commissioner of Social Services shall seek
127 waivers from federal law from the Social Security Administration to
128 establish demonstration projects (1) under which payments to
129 beneficiaries of Social Security disability insurance would be reduced
130 by one dollar for every two dollars of beneficiary earnings above a
131 level determined by the Commissioner of the Social Security
132 Administration, (2) to provide that any month during which a person
133 receives medical assistance under section 1 of this act shall not be
134 counted toward the extended period of eligibility for Social Security
135 disability insurance for such person, and (3) to provide that any month
136 during which a person receives supplemental security income and
137 medical assistance under section 1 of this act shall not be counted
138 toward the twelve-month period of suspension during which such
139 person may be reinstated to the federal Supplemental Security Income
140 Program without making another application.

141 Sec. 6. (NEW) (a) The Commissioner of Social Services, within
142 available appropriations, may establish and operate a community-
143 based services program for persons with disabilities (1) who are
144 between the ages of eighteen and sixty-four years, and (2) whose
145 income is not more than one hundred forty-three per cent of the
146 benefit amount paid to a person with no income under the temporary

147 family assistance program in the appropriate region of residence. Such
148 income requirement shall not apply to persons eligible for medical
149 assistance under section 1 of this act who were receiving community-
150 based services prior to July 1, 2000.

151 (b) The Commissioner of Social Services shall implement the
152 policies and procedures necessary to carry out the provisions of
153 subsection (a) of this section while in the process of adopting such
154 policies and procedures in regulation form, provided notice of intent to
155 adopt the regulations is published in the Connecticut Law Journal
156 within twenty days after implementation. Such policies and
157 procedures shall be valid until the time final regulations are effective.

158 Sec. 7. This act shall take effect July 1, 2000.

HS Committee Vote: Yea 18 Nay 0 JF C/R APP